

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court  
Southern District of Texas

Maximo Espinal,

Plaintiff,

versus

City of Houston, Texas, et al.,

Defendants.

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Civil Action H-22-1149

**ENTERED**

June 17, 2022

Nathan Ochsner, Clerk

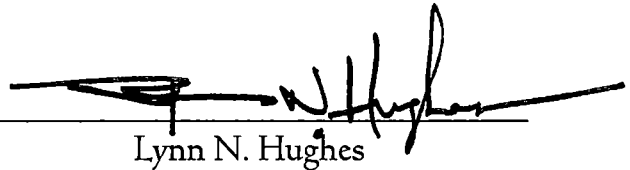
### Order Denying Recusal

Maximo Espinal has moved for this court's recusal as biased against him under 28 U.S.C. § 455(a). A court must find "whether a reasonable and objective person, knowing all of the facts, would harbor doubts concerning the judge's impartiality."<sup>1</sup> This objective standard relies on the "well-informed, thoughtful, and objective observer, rather than the hypersensitive, cynical, and suspicious person."<sup>2</sup>

Espinal argues recusal is warranted because this court is biased against women and minorities. He says this will prejudice his case because a witness was a woman, and he is Hispanic. Espinal attempts to support his motion with cherry-picked instances that he says shows that this court is biased. The standard is one of an objective observer who *knows all of the facts*. Conveniently selecting instances from this court without giving context nor any mitigating factors is clearly inadequate and screams of a "hypersensitive, cynical, and suspicious person."

Espinal's motion to recuse is denied. (9)

Signed on June 17, 2022, at Houston, Texas.



Lynn N. Hughes  
United States District Judge

<sup>1</sup> *United States v. Jordan*, 49 F.3d 152, 155 (5th Cir. 1995).

<sup>2</sup> *United States v. Brocato*, 4 F.4th 296, 301 (5th Cir. 2021).